IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

MONDAY, THE 22ND JANUARY 2007 / 2ND MAGHA 1928

WP(C).No. 2453 of 2007(P)

AGAINST THE ORDER IN OS 96/05 & 111/05 IN
OS.79/2005 of MUNSIFF COURT, RANNI

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PETITIONER:

M.C. VARGHESE,
MANAPPURATH VEEDU, VETTIPPURAM,
PATHANAMTHITTA VILLAGE.

BY ADV. SRI.K.JAYAKUMAR
SRI.P.B.KRISHNAN

RESPONDENTS:

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1. M.C. MATHEW,
MANAPPURATHU, UTHIMOODU, RANNY VILLAGE.

2. SOSAMMA,
MOTHER OF M.C.MATHEW IN -DO- -DO-.

3. K.S. VINEETH,
VINOD BHAVAN, EDATHARA, VADASSERIKKARA VILLAGE.

4. P.S. INDIRA KUMARI,
MOTHER OF K.S.VINEETH, VINOD BHAVAN,
EDATHARA, VADASSERIKKARA VILLAGE.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.SASIDHARAN NAMBIAR,J.

W.P.(C)NO.2453 OF 2007

DATED THIS THE 22nd DAY OF JANUARY, 2007

JUDGMENT

Petitioner is plaintiff in O.S.96/05 on the file of Munsiff Court, Ranni. Petitioner filed I.A.772/06, an application for joint trial of O.S.96/05 with O.S.111/05 and O.S.79/05. As per Ext.P8 order, learned Munsiff directed joint trial of O.S.96/05 and O.S.111/05 but dismissed the prayer for joint trial of O.S.79/05. This petition is filed under Article 227 of Constitution of India challenging Ext.P8 order.

2. Learned Counsel appearing for petitioner was hared.

3. Arguments of learned Counsel appearing for petitioner was that if there is no joint trial, there is a chance for conflicting decisions in O.S.96/05 and O.S.99/05 and in such circumstances, learned Munsiff should have granted joint trial of all the suits.

4. The question whether three suits are to be tried jointly or not is the discretion of learned Munsiff. When learned Munsiff has exercised the discretion giving reasons, under Article 227 of Constitution of India, it is not proper to interfere with that order. If the grievance of petitioner is that by separate trial there is a chance for conflicting decision, it could be avoided, if O.S.99/05 is also

simultaneously tried. Learned Munsiff is directed to record evidence in O.S.79/05 along with the other two suits viz. O.S.96/05 and O.S.111/05, though separately and to dispose O.S.79/05, also but by separate judgment.

This petition is therefore disposed directing Munsiff, Ranni to dispose of O.S.79/05 also along with O.S.96/05 and O.S.111/05, by separate trial and judgment.

M.SASIDHARAN NAMBIAR,JUDGE

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